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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,779	12/16/2003	Thomas E. Lenkman	TEL-30	4002
7590	03/07/2006		EXAMINER	
Henry W. Cummings 3313 W. Adams St. St. Charles, MO 63301			RESTIFO, JEFFREY J	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/735,779	LENKMAN, THOMAS E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeffrey J. Restifo	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-91 is/are pending in the application.  
 4a) Of the above claim(s) 23-91 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                             |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 23-91 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected groups II-V, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/17/05.

### ***Specification***

2. The abstract of the disclosure is objected to because Line 1 recites "The present invention comprises" which can be implied and removed, and line 4 recites the term "means" which is not improper language and should be replaced with specific structure. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claims 1-22 are objected to because of the following informalities: Claim 1 has upper case in the beginning of each line, which should be changed to lower case. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heimbrock et al. (US 6,588,523 B2) and further in view of Nowell et al. (US 5,765,859 A), and Hopper et al. (US 6,752,224 B2).

With respect to claims 1-3 and 5, Heimbrock et al. discloses a gurney comprising a drive unit comprising a control handle 84 with speed controller interface 254, wherein said handle can be swung 180 degrees, as shown in figures 11 and 12.

With respect to claim 4, the use of non-slip coating on handles is well known in the art and it would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the handle of Heimbrock et al. with a non-slip coating in order to prevent a user's hands from slipping off the handle.

With respect to claims 1 and 6-10, Heimbrock et al. does not disclose a cord reel. Hopper et al. does disclose a gurney comprising a retractable cord reel 322 for charging batteries 196,197, as shown in figure 22. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the gurney of Heimbrock et al. with the cord reel of Hopper et al. in order to charge the batteries of the drive module. The interlock switches are not positively recited and therefore have been given little patentable weight.

With respect to claims 11-13, Heimbrock et al. discloses a drive module with retractable drive wheel 110 with motor 202, gear 214, pneumatic air spring 222, and tire (not numbered), as shown in figures 2-10.

With respect to claims 14-15, neither Heimbrock et al. nor Hopper et al. disclose an air compressor for adjusting the air spring of the drive module. Nowell et al. does

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disclose a retractable drive module with air spring 170, tubing (inherent), and compressor 320 for adjusting the distance of the drive wheel 230, and lock plate 220 for securing the wheel in a desired position, as shown in figures 1-5. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the gurney of Heimbrock et al., as modified by Hopper et al., with the compressor, air spring, and lock plate of Nowell et al. in order to adjust and secure the position of the drive wheel.

With respect to claims 16-22, Heimbrock et al. discloses the gurney as having a chassis 26 with battery box 244 with battery 242 and cover (not numbered), a control circuit 256, wherein inherently have fasteners, such as screws, securing each feature to the gurney, as shown in figures 1-21.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Restifo whose telephone number is (571) 272-6697. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JJR

A handwritten signature in black ink, appearing to read "Jeffrey J Restifo". Below the signature, the initials "JJR" are printed in a smaller, bold font.

Jeffrey J Restifo  
Primary Examiner  
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